

SUBJECT: Continuing the State Purchasing and General Services Commission

COMMITTEE: Government Organization: committee substitute recommended

VOTE: 7 ayes — Gibson, Black, Finnell, Hartnett, A. Hill, Naishtat, Robnett
0 nays
2 absent — Smithee, Stiles

SENATE VOTE: On final passage, April 10 — voice vote

WITNESSES: (On companion bill, HB 1146 by Gibson):

For — Bob Kafka, Institute of Disability Access; Ed Howard, Blue Bird Incorporated; Wayne Spahn, Beth McDaniel and Donny Saenz, ADAPT of Texas

Against — None

On — Lisa Doss, Texas Society of Architects

BACKGROUND: The State Purchasing and General Services Commission is responsible for providing support services for state agencies in various services. These services involve purchasing, public buildings and grounds, lease of space for state agencies, elimination of architectural barriers, property accounting, surplus and salvage property, telecommunication services, competitive cost review programs and travel and transportation.

The agency is included in the Texas Sunset Act and was reviewed by the Sunset Commission during the last interim.

DIGEST: CSSB 831 would continue the State Purchasing and General Services Commission under the name "General Services Commission" until September 1, 2003. It would make a number of changes in the agency's authorizing statute.

The number of commission members would be expanded from three to six.

The Texas Public Finance Authority would be required to issue, sell and deposit bond proceeds in order to finance projects approved by the Legislature.

The program for eliminating architectural barriers would be transferred to the Texas Department of Licensing and Regulation. The department would be authorized to contract with other state agencies, political subdivisions, nonprofit organizations and private entities to perform inspections of private buildings that are subject to architectural barrier regulation. Counties with populations under 45,000 would be exempted from certain barrier requirements. However, the University of Texas system would no longer be exempt from complying with the architectural barrier program.

CSSB 831 would require that school buses under lease or lease-purchase contracts be subject to the minimum safety specifications used by the commission to purchase buses. School bus leases would have to be acquired through a competitive bidding process, and whenever possible, motor vehicles for school districts would also have to be acquired through competitive bidding.

The commission would be authorized to set the minimum amount of time that state agencies and school districts would have to convert certain vehicles using traditional engines to use of compressed natural gas or other fuels. Agencies would be allowed one or more 90-day extensions (up until September 1, 1992) in which to implement conversion plans.

The State Travel Management Program would be prohibited from entering into a single, statewide contract for travel-agency services. Executive branch agencies would be required to participate in state contracted rates for travel services. The commission would be required to adopt rules for the structure of travel agency services and related contract requirements.

The bill would modify the competitive cost review program by adding a requirement that the review include an examination of whether government agencies needlessly or unfairly compete with private enterprise. In addition, a process would be established to handle complaints from private enterprises about such competition.

The bill would transfer responsibility for the state property accounting system from the commission to the comptroller.

The commission would be required to give preference to products made from recycled materials if they meet specifications and the cost is equal to or less than other products.

**SUPPORTERS
SAY:**

Changing the commission's name to the "General Services Commission" would make the agency easier to identify and would make the role of the commission less confusing to the public. The cost of the name change in terms of revising signs, vehicle decals and letterhead would be less than \$8,000.

The Public Finance Authority is not now required to issue bonds to finance projects approved by the Legislature. This lack of statutory directive has resulted in delays in important building projects, such as the purchase of One Capital Square and construction of prison facilities. By requiring the finance authority to issue bonds for such projects, the bill would ensure that financing for projects can be secured with diligent speed.

The transfer of the architectural barriers program to the Department of Licensing and Regulation would provide additional support for the program's inspection and enforcement activities. More timely inspections and complaint investigations can be conducted from field offices than from a central office in Austin. In addition, the department staff are familiar with their region and can be more effective in the dissemination of information and the identification of violators.

**OPPONENTS
SAY:**

The Public Finance Authority should not be made a rubber stamp for issuance of state bonds to purchase and construct billions of dollars worth of state construction. The authority should be able to exercise independent oversight of state construction to ensure that state construction bonds are not issued if any potential question exists concerning their sale.

NOTES:

Among the major differences between the Senate version of SB 831 and the House committee substitute: the original did not have specific time frames in which state agencies would have to convert traditional engines to use alternative fuels.

The Senate version would authorize public universities to provide TEX-AN telephone services to students in university-owned housing. Participation by a university would have been optional and student participation would have been voluntary.

The committee substitute would transfer responsibility for the state property accounting system from the commission to the comptroller.

The substitute would also institute a modified cost review program in which emphasis would be placed on government agencies that needlessly or unfairly compete with private enterprise.